

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Aug 24, 2023

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

BILLY EDWARD TOYCEN,

Plaintiff,

v.

YAKIMA COUNTY DISTRICT
COURT, YAKIMA COUNTY
SUPERIOR COURT, and U.S.
DISTRICT COURT,

Defendants.

No. 1:23-cv-3085-MKD

ORDER OF DISMISSAL
PURSUANT TO LCivR 41(b)(2)

By Order filed June 14, 2023, the Court directed Plaintiff to show cause why his application to proceed *in forma pauperis* should be granted. ECF No. 5. That Order, addressed to Plaintiff at the Yakima County Jail in Yakima, Washington, was returned as undeliverable on June 23, 2023. ECF No. 7. On June 22, 2023, the Court had received back the case opening letter, ECF No. 4, also as undeliverable. ECF No. 6.

1 Local Civil Rule 41(b)(2) requires a *pro se* litigant to keep the Court and
2 opposing parties advised as to his current mailing address. If mail directed to a *pro*
3 *se* plaintiff is returned by the Postal Service, he has sixty (60) days to notify the
4 Court and opposing parties of his current address or the Court may dismiss the
5 action. LCivR 41(b)(2).

6 The Court has an interest in managing its docket and in the prompt
7 resolution of civil matters. *See Destfino v. Reiswig*, 630 F.3d 952, 959 (9th Cir.
8 2011) (affirming district court's inherent power to control its docket); *see also*
9 *Pagtalunan v. Galaza*, 291 F.3d 639, 642-44 (9th Cir. 2002) (discussing factors to
10 consider in dismissing a claim for failure to prosecute or failure to comply with
11 court order, including the public's interest in expeditious resolution, the court's
12 need to manage docket, and the risk of prejudice to defendants). Plaintiff has
13 failed to keep the Court apprised of his current address.

14 Accordingly, **IT IS ORDERED:**

15 1. This action is **DISMISSED WITHOUT PREJUDICE** pursuant to
16 LCivR 41(b)(2).

17 2. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal of
18 this Order could not be taken in good faith and would lack any arguable basis in
19 law or fact.

1 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
2 **enter judgment**, provide copies to Plaintiff at his last known address, and **CLOSE**
3 the file.

4 **DATED** August 24, 2023.

5
6 s/Mary K. Dimke
7 MARY K. DIMKE
8 UNITED STATES DISTRICT JUDGE
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